UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/CN.4/1996/SR.33
16 April 1996

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 33rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 10 April 1996, at 6 p.m.

Chairman:	Mr. LEGAULT (Vice-Chairman)	(Canada)
later:	Mr. VASSYLENKO (Vice-Chairman)	(Ukraine)

CONTENTS

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.96-11985 (E)

CONTENTS (continued)

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS (continued)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (continued)

INDIGENOUS ISSUES (continued)

In the absence of Mr. Vergne Saboia (Brazil), Mr. Legault (Canada), Vice-Chairman, took the Chair.

The meeting was called to order at 6.45 p.m.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

(agenda item 9) (continued) (E/CN.4/1996/8, 42, 43, 44, 45 and Add.1, 46, 47, 48 and Add.1, 49, 50 and Add.1, 51, 52 and Add.1 and 2, 53 and Add.1 and Corr.1 and Add.2, 105, 109, 116, 117, 137, 148; E/CN.4/1996/NGO/4, 10, 20, 28, 31, 34, 37, 43, 47, 51, 56, 64, 75; A/50/332 and 685, A/CONF.177/20; E/CN.4/1995/48; E/CN.6/1996/11)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 17) (continued) (E/CN.4/1996/11, 14, 15, 89, 90, 92, 93 and Add.1, 94, 111, 118 and Add.1, 136, 138; E/CN.4/1996/NGO/38, 74; A/50/681 and Add.1; A/50/482 and 878; A/49/929)

1. Mr. ZHANG Yishan (China) referred to the progress achieved in human rights over the previous 50 years in the areas of national independence, racial discrimination and the right to development due largely to the concerted efforts of the international community, including the Commission on Human Rights, and the impact of certain international instruments. However, it was regrettable that, in spite of historical developments, the spirit of the cold war persisted. Politicization of human rights was obstructing the normal functioning of the Commission itself. It was therefore vital to glean lessons from past experience in preparing the future.

2. The sovereign equality of States and non-interference in their internal affairs were principles enshrined in the Charter of the United Nations and were inviolable.

3. Given the diverse social conditions prevailing in States and their varied historical backgrounds, the implementation of human rights principles could not be divorced from consideration of each country's specific situation. Similarly, economic, social and cultural rights must be accorded the same weight as political and civil rights.

4. The Commission must therefore sharpen its focus on the rights of people in developing countries and strive to promote their advancement. Moreover, as the composition of the Commission did not reflect the principle of regional balance, its membership should include more developing countries. He also noted that United Nations human rights mechanisms and organs were in great need of reform to improve overall efficiency and effectiveness.

5. The Government of China was honoured to have hosted the Fourth World Conference on Women, which had successfully contributed to the promotion of gender equality and the realization of various human rights and fundamental freedoms for women and girl children.

6. In conclusion, he commended the efforts of the Special Rapporteur on violence against women and her report (E/CN.4/1996/53/Add.1), which exposed the recruitment of "comfort women" by the Japanese militarist Government during the Second World War. His Government felt deep sympathy for the victims who had suffered unspeakable miseries and urged the Japanese Government to adopt a responsible approach with a view to the appropriate settlement of that problem.

7. Mr. CHARFI (Independent expert on the situation of human rights in Somalia) gave an account of the human rights situation in Somalia, based on his mission between 23 February and 13 March 1996 to that country. The people of Somalia, particularly during the last three years of Mr. Siad Barre's regime, had suffered severely as a result of a brutal civil war, during which killings, massacres and widespread destruction had been the means used to quell popular revolts. After the downfall of that regime conflicts had developed between the leaders of the rebellion to the extent that the civil war continued in an even more murderous vein.

8. Violence hampering the delivery of humanitarian aid had resulted in an additional loss of life through famine before the United Nations had taken action. Vast numbers of persons had been killed and displaced, and there was evidence of ethnic cleansing in various areas.

9. The perpetrators of those atrocities, constituting crimes against humanity as well as being crimes punishable under Somalian penal law, were living undisturbed and unpunished in that country.

10. The civil war had resulted in the destruction of the entire administrative and judicial apparatus of the State, and had given rise to chaos, insecurity and banditism. "Islamic" courts, which were religious in name alone, had emerged initially by popular initiative in response to the desire for swift and effective justice, and had later been exploited by the leaders of the various factions.

11. The situation had remained relatively stable for approximately two years but as order and security had not been entirely restored, much remained to be done in settling outstanding disputes between the factions. Both General Aidid and Mr. Ali Mehdi had formed Governments that claimed to represent the entire country, but the secessionist leadership did not intend to reunite the self-proclaimed State of Somaliland with the rest of Somalia.

12. The question of identity was one of the major problems faced by the Somali people, who attached greater importance to allegiance to their respective clans than to the nation as a whole. They also lacked a grounding in democracy and in the principles of equality and non-discrimination, and the general situation was further compounded by the severe brain drain of Somali professionals.

13. Various measures had to be adopted to alleviate the tragic effects of the period of turmoil. Firstly, the persons responsible for the crimes committed during that period should be brought to justice and to that end, it was necessary to begin the compilation of case files while some evidence remained intact, under the guidance of a commission of inquiry. Secondly, the reconstruction of the State of Somalia on a consensual basis could be effectively accomplished only by the Somali people themselves, although the international community should and must help them in that task.

14. In that connection he suggested that the dissemination of information about human rights principles could be achieved by broadcasting a programme for the promotion of human rights in Somalia so as to ensure the widest possible audience. That programme would also entail United Nations involvement in the organization of civics courses which would include instruction in the basic principles of human rights and democracy for schoolchildren at all levels, senior Somali professionals being trained to monitor the teaching phase of the programme throughout the country. The programme would also encourage the participation of adults through the formation of local and regional committees, and the organization of specialized seminars for law enforcement officials.

15. Mr. SIDOTI (Australia) said he was taking the floor as representative of the Australian Human Rights and Equal Opportunity Commission; at previous meetings of the Commission on Human Rights, his predecessors had spoken as members of the Australian delegation.

16. The question of the recognition and participation of independent national institutions in United Nations meetings dealing with human rights had been of great concern to national institutions, including the Australian Commission, and he noted that the Coordinating Committee of National Institutions had supported the participation of independent national institutions as separate entities with observer status. He therefore urged the Commission on Human Rights to endorse the mechanisms that would ensure the future participation of national institutions.

17. Commenting on the progress achieved in United Nations support for the development of independent national institutions since the previous session of the Commission on Human Rights, he said the most significant development had been the appointment of a Special Adviser to the High Commissioner on Human Rights. He took the opportunity to congratulate the Australian Government on providing full funding for the post and work of the Special Adviser. Another achievement since the previous session had been the staging of the first African Regional Conference of National Institutions, and he referred to the workshops that had been held in the Asia-Pacific region as it sought to enhance its mechanisms. He also announced plans for an Asia-Pacific Regional

Meeting later in 1996 and invited government representatives to attend as observers. He appealed to the Centre for Human Rights to grant that meeting the same level of support it had accorded to the African region.

18. Mr. Jaime BAUTISTA (Philippines) said his Government had made the promotion and protection of human rights the core principle of its return to democracy 10 years earlier. One of its first steps had been to set up a constitutionally-based national institution, namely, the Philippine Commission on Human Rights (PCHR). Yet it had been clear even at that time that human rights education was necessary. That work had been pioneered by non-governmental organizations (NGOs), which had intensified their human rights advocacy activities. While NGOs continued to be the leading partners of the Government and PCHR, other international humanitarian agencies, such as the International Committee of the Red Cross (ICRC) participated in special activities targeted at all sectors of society, with special emphasis on sensitive sectors.

19. Human rights education was at the centre of the National Human Rights Plan. PCHR's Plan of Action for the Decade included sectoral rights education for vulnerable groups and regular education for law enforcement officials, legal officials and the military.

20. Two further events marking the promotion of human rights education in the Philippines had been the third International Workshop on National Institutions for the Promotion and Protection of Human Rights, held in Manila in April 1995, and the Conference Workshop on Asia-Pacific Human Rights Education for Development (December 1995). The Philippines fully supported the recommendations of the third Workshop contained in document E/CN.4/1996/8 and annexes, and endorsed the conclusions reached at the fourth Workshop, held in Katmandu, Nepal, in February 1996.

21. Referring to the report of the Special Rapporteur on Violence against Women (E/CN.4/1996/53), he said that his country had long been active in seeking to protect its citizens from the violence to which some women migrant workers were subjected. As a sending State, therefore, it took exception to the statement contained in paragraph 77 of the report regarding the "unwillingness of both sending and receiving States to accept responsibility for migrant workers ... ".

22. As a country some of whose nationals had been "comfort women", the Philippines had made a careful study of the Special Rapporteur's report on the question (E/CN.4/1996/53/Add.1). It had vigorously pursued, at the highest official levels, all opportunities for bilateral discussions of that painful issue, and in coordination with NGOs, had done its best to assist the victims. It recognized that the Japanese Government had recently moved forward on that issue; that senior Japanese government officials had expressed profound and sincere remorse and apologies; and that action had been taken to give that remorse tangible form. Dialogue on the matter should continue, and should focus on the interests of the victims. His Government respected the position of individual claimants, and had been guided by the consideration that ongoing consultations with Japan should not in any way undermine their position.

23. Mr. Joun Yung SUN (Republic of Korea) said that, in spite of significant progress in recent years, violence against women still persisted. His delegation thus welcomed the report of the Special Rapporteur on the subject (E/CN.4/1996/53), the contents of which must be adequately reflected in the resolution on the elimination of violence against women to be adopted at the current session.

24. The issue of military sexual slavery in wartime was of particular concern to his Government, which commended the findings and observations contained in document E/CN.4/1996/53/Add.1, and supported its recommendations.

25. His delegation agreed with the Special Rapporteur (para. 10) that the term "military sexual slaves" was much more appropriate than the term "comfort women" - a view endorsed by the Sub-Commission's Working Group on Contemporary Forms of Slavery, and by the ILO Committee of Experts on the Application of Conventions and Recommendations which, in a recent report, had recognized that matters related to "comfort stations" should be characterized as sexual slavery in violation of the ILO's Forced Labour Convention, 1930 (No. 29), which Japan had ratified in 1932.

26. His Government had welcomed as a positive step the admission by the Japanese Government in August 1993 that the Japanese military authorities had been directly involved in those acts, and that the victims had been coerced and subjected to immeasurable physical and psychological pain.

27. In her report, the Special Rapporteur had made it clear that the crimes perpetrated against "comfort women" constituted inhumane acts and crimes against humanity, and had concluded that the Japanese Government remained legally responsible for those violations of international humanitarian law.

28. His Government took the view that the Japanese Government should first publicly acknowledge its past offences and then assume its responsibilities; it should thus implement the Special Rapporteur's recommendations voluntarily and without further delay.

29. Mr. Vassylenko (Ukraine), Vice-Chairman, took the Chair.

30. Mr. MEZARI (Algeria) said that the institution responsible for ensuring protection and promotion of human rights in Algeria was the National Human Rights Observatory (ONDH). It was an administratively and financially autonomous body, and its members were drawn from the legal and medical professions and from the public sector. Since its establishment in 1992, it had focused mainly on the right to life and the human rights implications of the security measures and special legislation resulting from the increase in armed terrorist violence.

31. Violence, and the threat it posed to the democratization process, had surfaced after the halt of the electoral process in December 1991, and had now assumed the proportions of an all-out war against all sectors of lay society and the rule of law, perverting the message of Islam by denying others the right to life and freedom of opinion and expression.

32. Pursuant to its mandate, ONDH had drawn the attention of the authorities to violations of human rights by the security forces, recommending that they should operate strictly within the framework of ordinary law or of the anti-terrorist laws, and be held accountable for violations of the rules governing interrogation, search and arbitrary detention.

33. ONDH held that the constitutional freedoms of conscience, opinion and expression must be made irreversible, and advocated joint action, dialogue and regulation on the part of the authorities and the media.

34. In its latest annual report to the President of the Republic, ONDH had welcomed the appointment of a Mediator of the Republic to deal with citizens' grievances and to assist in improving their relations with the administration, and had concluded that respect for human rights must constitute the basis of any restructuring of political, economic and cultural life.

35. ONDH deplored the belated acknowledgement by the international community and human rights organizations of the true nature of terrorism and the threat it posed to peace. The human rights situation in Algeria had improved with the abolition of the special courts in February 1995, the closing of the last administrative detention centre at Aïn Amgel, the recent lifting of the curfew imposed in some areas in 1993, and the promulgation of the clemency law aimed at those declaring their readiness to renounce violence. Algeria had also recently ratified the Convention on the Elimination of All Forms of Discrimination Against Women. Concerted efforts on the part of ONDH, the authorities and the public at large would lead to the irreversible establishment of a genuine culture of human rights in Algeria.

36. Mr. LACOUL (Nepal), speaking on behalf of the Asian Group on agenda item 9 (a), said that, encouraged by the success of the three Workshops on regional arrangements already held in the Asian and Pacific regions the Government of Nepal had offered to host the fourth Workshop, which had been held in Katmandu in February 1996. It had discussed common principles, enabling strategies and building blocks for the establishment of a regional arrangement in the Asia-Pacific Region. Given the diversity and complexities of the region, it had been felt that extensive consultations among countries would be required in order to reach consensus, but any regional arrangement for the Asia-Pacific Region would be based on its own needs, priorities and circumstances.

37. The optimism reflected in the report of the Secretary-General (E/CN.4/1996/46/Add.1) was the result of hard work by all participants. The Workshop had envisaged regional cooperation with a view to the promotion and protection of human rights, inviting States to take action in fields such as human rights education, ratification of human rights instruments and development of national action plans. It had also welcomed the decisions of several States to establish or consider establishing independent national institutions, and had noted the decision, taken by national institutions at their April 1995 Manila meeting, to encourage extensive cooperation between themselves. Participants had considered shared problems, obstacles to the realization of the right to development, and the rationalization of existing human rights mechanisms, and had agreed that an open-ended team should be set up to ensure effective preparations for the next Workshop and facilitate the

development of a regional arrangement. The Asian Group urged Member States of the region to designate high-level participants to attend future Workshops, and requested the Centre for Human Rights to take prompt action, including the early selection of a panel of experts, to ensure that the desired results were achieved.

38. Mrs. FERRARO (United States of America) announced that a fresh, clean wind was blowing away injustice and prejudice in that it was now recognized that women's rights were human rights. Yet women were still being threatened by violence, prevented from becoming full and productive members of society, and denied education and health care; as a result, HIV/AIDS infection rates among them were rising rapidly. Moreover, the politics of powerlessness still held most of the women of the world in an economic vice. Women made up 50 per cent of the world's population, but they owned only 10 per cent of its wealth.

39. Nevertheless, times were changing. Women, through their achievements in all walks of life, were forcing the world to take notice of them. The Beijing Conference, which had brought together men and women from all four corners of the Earth, had not only enabled women to speak out but had also given them a solid foundation for future action. At the Conference, the nations of the world had promised to end violence and inequality and to give women access to education, health care and economic and political power. Family responsibility was to be shared and freedom of expression guaranteed.

40. The United States hoped that every country which had agreed to that platform of action would abide by its provisions. It was taking its own commitments very seriously, and a number of measures had already been adopted.

41. In response to petitions from millions of women, the Commission on Human Rights had appointed a Special Rapporteur on violence against women and he had focused on violence within the family. The Commission had also directed its special rapporteurs and treaty bodies to include women's rights in their work, which showed that women's rights were essential matters of concern and that the tide of history was turning in their favour.

42. Mr. McALISTER (Canada) noted that national institutions played a key role in an effective human rights infrastructure in that they constituted the link between international standards and their practical application.

43. Because of that important function, considerable efforts had been made to strengthen or establish such institutions. A Coordinating Committee had been set up, but its long-term success would depend on the continuing support of the Commission and the Centre for Human Rights. Funds had to be found for those institutions and greater use made of their expertise and knowledge. Moreover, they needed independent status so that they could deal directly with United Nations organs concerned with human rights.

44. National institutions strongly believed that they should participate in the human rights debate in their own right and not as mere extensions of national government delegations.

45. Since the monitoring of human rights violations and resolution of conflicts would continue to be a crucial activity of the United Nations, national institutions hoped that the Commission would recognize the vital role they could play in that connection, by supporting any recommendations made on the subject.

46. Mrs. AQUILINA (Observer for Malta), speaking on agenda item 9 (a) and (c), noted that the end of the cold war had failed to bring universal peace and that the international community had been criticised for not doing enough to prevent the scourges attendant upon regional conflicts.

47. The complete protection of civil, political, economic, cultural or social human rights required a democratic environment, and she noted that, a few weeks earlier, the Secretary-General of the United Nations had spoken of the universal dimension of democracy.

48. Human rights abuses sometimes resulted in ethnic strife and internally displaced persons and Malta, which was particularly concerned about the situation in Cyprus, supported efforts to reach a lasting solution through the implementation of United Nations resolutions.

49. The role of the High Commissioner for Human Rights and the work of the Centre for Human Rights should be complementary, and she hoped that the reorganization of the latter would increase its effectiveness. Malta had made a number of suggestions concerning the restructuring and strengthening of the United Nations, and its Minister of Foreign Affairs had proposed that the Trusteeship Council should become a guardian of the common interests of future and present generations and a coordinating body between various United Nations human rights organs, since closer coordination would improve efficiency in that sphere. The United Nations and its human rights bodies were of vital importance, but they could not function without the necessary resources.

50. Malta, which endorsed the European Union's proposal to set up a rapid response system to prevent human rights violations, considered that the Centre for Human Rights, which helped United Nations bodies and Member States to promote and protect human rights, should also give priority to technical assistance and education programmes. Moreover, it could collaborate more extensively with other human rights agencies and organizations, and the human rights monitoring system could be strengthened.

51. Malta, which took the view that membership of the Commission on Human Rights should be open to all United Nations Member States, was a democratic country that had taken all the necessary steps to promote and protect human rights at the national level. It had appointed an ombudsman and submitted its initial report under the Convention against Torture, and appreciated the assistance it had received from the Centre for Human Rights.

52. The year 1996 was crucial for the United Nations, and she emphasized that any reforms had to take into consideration the real needs of the international community, human rights being among the most important.

53. Mrs. MARKHUS (Observer for the Libyan Arab Jamahiriya), speaking on agenda item 9, said that women's rights were an integral part of human rights.

From the earliest times, the Islamic Shariah had accorded equal rights to women in all areas of life, such as the right to own and dispose of property, inheritance rights, the right to take up gainful employment, the right to engage in trade and the right to initiate legal proceedings.

54. Her delegation was pleased to note that the High Commissioner for Human Rights was according high priority to the promotion of women's rights, and urged him to give special attention, in cooperation with the focal point for women's issues in the Centre for Human Rights, to the rights of women in developing countries and women in difficult circumstances, such as refugees, immigrants, the disabled and those caught up in armed conflicts. Her delegation also supported the increased involvement of the human rights treaty bodies in the defence of women's rights.

55. Her own country could point to countless achievements in its drive to secure equality for women in both legal and practical terms. With the active encouragement of the Leader of the Revolution, women were involved in decision-making at all levels of political, economic and social life and had equal access to education and employment.

56. Turning to the question of human rights and unilateral coercive measures, she drew attention to paragraph 47 of document E/CN.4/1996/45, in which the American Association of Jurists expressed the view that the Security Council had exceeded its powers in the Lockerbie case. Sanctions had been imposed on her country under Security Council resolutions without a shred of proof of its involvement in the incident. Notwithstanding the Jamahiriya's endeavours to cooperate in resolving the matter, those sanctions were still in place, causing untold suffering to her people, particularly in the area of health.

57. The Libyan Arab Jamahiriya, a tireless defender of human rights which had signed 17 international human rights treaties, trusted that it could continue to rely on the support of all peace-loving nations.

58. Mr. LAVAGER (International Committee of the Red Cross), speaking on agenda item 9 (d), said that ICRC agreed with Mr. Deng that the protection and assistance afforded to displaced persons had to be coordinated among existing organizations in a spirit of complementarity. Noting that ICRC helped persons displaced by armed conflicts or disturbances, he said that although the 1949 Geneva Convention and 1977 Additional Protocols contained detailed provisions that covered specific needs in wartime and, therefore, displaced persons, their requirements were not always taken sufficiently into account. As it was vital that displaced persons should be able to return home under acceptable conditions in safety and dignity and recover their property or obtain compensation, those issues should be clarified and existing rules reaffirmed in a document of some kind which should not, however, replace existing legal instruments.

59. Anti-personnel mines were a cause of forced population movements and should be banned by the international community. Similarly, since terrorism was an indiscriminate weapon and as a distinction between military and civilian targets was a basic principle of international humanitarian law, acts of terrorism might constitute war crimes and should therefore be repressed with the utmost determination.

60. Ms. DUTLI (International Committee of the Red Cross), speaking on agenda item 17, said that the 30 armed conflicts that had raged throughout the world in 1995 had been characterized by a rising number of violations of the most basic rules of international humanitarian law.

61. Discussions of humanitarian law centred on a search for more effective mechanisms to ensure compliance with the 1949 Geneva Conventions and 1977 Additional Protocols. That had always been a priority for ICRC and in 1995 it had established an Advisory Service on International Humanitarian Law - a particularly significant move in view of the war crimes tribunals set up by the international community and its efforts to establish a permanent international criminal court.

62. International initiatives should be accompanied at the national level by steps to ensure that international humanitarian law was respected; ICRC's Advisory Service would actively support such endeavours.

63. ICRC's recent initiative complemented the activities of the Centre for Human Rights, and it would strive to avoid duplication of efforts and try to help States to implement human rights and international humanitarian law more effectively.

64. Mr. ASSOUMA (Observer for Togo), speaking on agenda item 9 (b), said that his country's National Commission for Human Rights was the individual's ultimate defence against all forms of misuse of political, administrative, military and judicial authority. Its activities had been adversely affected between 1990 and 1992 by socio-political upheavals in the country, but it had resumed its work in defence of basic rights and freedoms in 1993.

65. Police stations and places of detention were monitored by the National Commission to prevent irregularities. Persons detained beyond the statutory time limit were released, and recommendations were made to the judicial authorities concerning the conditions in which detainees were held.

66. The National Commission had worked for the adoption of the 1994 Amnesty Act to promote national reconciliation, which had been reinforced by the 1995 Agreement between the Togolese Government and the Office of the High Commissioner for Refugees on the voluntary repatriation of Togolese exiles in Benin and Ghana.

67. In May 1995, the National Commission had organized a meeting in Lomé of representatives of African human rights commissions and NGOs and of Togolese administrative, police and prison authorities on the theme of human rights protection in Africa. At the end of the meeting, the national commissions had urged African countries that had not already done so to set up a commission on human rights and had advocated the establishment of an African court of human rights at the next summit of the Organization of African Unity.

68. Moreover, the Togolese National Commission had taken steps to promote freedom of the press and the development of independent news media, and in general, flagrant abuses such as arbitrary detention, torture and extended police custody had been considerably reduced if not eliminated in Togo as a result of its efforts.

69. Ms. NOLAN (Médecins sans Frontières), speaking on agenda item 9 (d), said that the number of internally displaced persons around the world continued to increase dramatically. They were among the most vulnerable groups in their societies and were regularly deprived of vital services. Médecins sans Frontières (MSF), which offered humanitarian assistance to displaced persons, was frequently denied access to them by Governments on the grounds that it was interfering in the country's internal affairs.

70. The Sudan had a large displaced population, particularly in and around Khartoum, made up of refugees from the conflict in the south or from drought and famine in the west. The Sudanese Government pursued a systematic policy of forcible relocation of such displaced persons to desert camps, evicting them and demolishing their homes without proper warning or compensation. Conditions in the camps were deplorable and child malnutrition and mortality rates were high.

71. MSF had been unable to provide adequate humanitarian assistance to the camps because the Government had denied access for proper needs assessment, had delayed the approval of project proposals and had failed to provide permits for an adequate number of expatriate personnel. Although MSF was encouraged by the Government's recent granting of permission for a number of health projects, it was unsure whether all such restrictions would be removed in the future.

72. The plight of internally displaced persons had been repeatedly brought to the attention of the Resident Representative of the United Nations Development Programme in Sudan but no effective action appeared to have been taken.

73. MSF urged the Government of the Sudan to ensure that all relocations were carried out in compliance with international law. Families should be given advance warning and compensation, and adequate facilities should be provided in the areas of relocation.

74. The Commission on Human Rights should condemn the human rights violations that caused displacement and take effective action to ensure that the rights of displaced persons were respected. In addition, it should fully support the work of the Representative of the Secretary-General on internally displaced persons. MSF supported the conclusions of the Representative's compilation and analysis of legal norms (E/CN.4/1996/52/Add.2), and particularly those regarding the need for a legal instrument that explicitly guaranteed access to internally displaced persons by impartial humanitarian organizations. It urged Governments to invite the Representative to visit their countries in order to assess the situation with respect to displaced persons.

INDIGENOUS ISSUES (agenda item 23) (continued)

75. Mr. MIJARUL QUAYES (Bangladesh), speaking in exercise of the right of reply, said that the statements by the representatives of the Asian Buddhists Conference for Peace were directed selectively at certain countries in a particular region in violation of the principle of universality.

76. The NGO's statement regarding the "indigenous people" of the Chittagong Hill Tracts failed to address the issues at the core of the debate on

indigenous peoples, namely, the dispossession and continued marginalization of original inhabitants by settlers from abroad, but sought instead to find "indigenous populations" within indigenous nations, thereby subverting the principle of self-identification.

77. Although some tribal ethnic groups in Bangladesh, principally in the hill districts of the south-east, were distinct from the non-tribal ethnic majority, they did not possess indigenous status vis-à-vis the rest of the population, who were no less indigenous.

78. Father Timm, who had been mentioned in a statement by the NGO in question, had himself admitted in his work on the tribal people of Bangladesh that the definition of indigenous peoples contained in ILO's Indigenous and Tribal Peoples Convention, 1989 (No. 169) was such that it would be hard to include within its scope all the tribes of Bangladesh and exclude the Bengalis.

79. Furthermore, in addressing the report of the Special Rapporteur on the question of torture (E/CN.4/1996/35 and Add.1), the representative of the Asian Buddhists Conference for Peace had also shown a single-minded bias against Asian countries, although 10 of the 16 countries on which the Special Rapporteur had made specific observations were outside Asia. The Government of Bangladesh had actually been commended recently by the Special Rapporteur on its prompt response to an urgent appeal regarding the situation of a number of opposition political leaders.

80. Mr. SÁ RICARTE (Brazil), speaking in exercise of the right of reply, said that the representative of the International Indian Treaty Council had made unsubstantiated and offensive claims against the Government of Brazil in violation of the principles governing the consultative status accorded to his organization. The Government recognized the importance of dialogue with organizations of indigenous people on the drafting of a "United Nations declaration on the rights of indigenous peoples" and just such a dialogue had taken place two weeks previously in Geneva with the Minister of Justice of Brazil. He trusted that the International Indian Treaty Council would not condone the unjustifiably aggressive attitude of its representative to a member of the Commission on Human Rights. If such behaviour was repeated, it might be necessary to set in motion the review mechanisms provided for in paragraph 36 of Economic and Social Council resolution 1296 (XLIV). At the same time, he was prepared to provide the representative in question with any information he wished regarding the circumstances of indigenous peoples in Brazil and the motives underlying his country's position on the draft declaration.

The meeting rose at 9.05 p.m.